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1 A proposal to amend
2 Section 8 of Article II and Section 13 of Article V
3 and create a new section in Article XII of the State
4 Constitution to establish certain restrictions for
5 specified public officers and employees regarding the
6 personal representation for compensation of another
7 person or entity before certain government bodies and
8 to specify minimum requirements for the Code of Ethics
9 as to the prohibition against abuse of public
10 position.

11
12 Be It Proposed by the Constitution Revision Commission of
13 Florida:

14
15 Section 8 of Article II of the State Constitution is
16 amended to read:

17 ARTICLE II

18 GENERAL PROVISIONS

19 SECTION 8. Ethics in government.—A public office is a
20 public trust. The people shall have the right to secure and
21 sustain that trust against abuse. To assure this right:

22 (a) All elected constitutional officers and candidates for
23 such offices and, as may be determined by law, other public
24 officers, candidates, and employees shall file full and public
25 disclosure of their financial interests.

26 (b) All elected public officers and candidates for such
27 offices shall file full and public disclosure of their campaign
28 finances.

29 (c) Any public officer or employee who breaches the public

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30 trust for private gain and any person or entity inducing such
31 breach shall be liable to the state for all financial benefits
32 obtained by such actions. The manner of recovery and additional
33 damages may be provided by law.

34 (d) Any public officer or employee who is convicted of a
35 felony involving a breach of public trust shall be subject to
36 forfeiture of rights and privileges under a public retirement
37 system or pension plan in such manner as may be provided by law.

38 (e) (1) A ~~Ne~~ member of the legislature or a statewide
39 elected officer may not ~~shall~~ personally represent another
40 person or entity for compensation before the legislature or any
41 state government body or agency, other than judicial tribunals,
42 ~~of which the individual was an officer or member~~ for a period of
43 six ~~two~~ years following vacation of office. A ~~Ne~~ member of the
44 legislature or a statewide elected officer may not ~~shall~~
45 personally represent another person or entity for compensation
46 during term of office before any federal agency; the
47 legislature; any state government body or agency, other than
48 judicial tribunals; or any political subdivision of the state.

49 (2) A person who served as a secretary, executive director,
50 or other agency head of a department of the executive branch of
51 state government, may not personally represent another person or
52 entity for compensation before the legislature, the governor,
53 the executive office of the governor, members of the cabinet, a
54 department that is headed by a member of the cabinet, or his or
55 her former department for a period of six years following
56 vacation of his or her position. A person who is serving as a
57 secretary, executive director, or other agency head of a
58 department of the executive branch of state government, may not

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59 personally represent another person or entity for compensation
60 before any federal agency; the legislature; any state government
61 body or agency, other than judicial tribunals; or any political
62 subdivision of the state.

63 (3) A county officer pursuant to Article VIII or a county
64 charter, a school board member, a superintendent of schools, an
65 elected municipal officer, or an elected special district
66 officer in a special district with ad valorem taxing authority,
67 may not personally represent another person or entity for
68 compensation:

69 a. Before his or her former agency or governing body for a
70 period of six years following vacation of office.

71 b. Before any federal agency; the legislature; any state
72 government body or agency, other than judicial tribunals; or any
73 political subdivision of the state during his or her term of
74 office.

75 (4) This subsection may not be construed to prohibit a
76 public officer or public employee from carrying out the duties
77 of his or her public office.

78 (5) Similar restrictions on other public officers and
79 employees may be established by law.

80 (f) There shall be an independent commission to conduct
81 investigations and make public reports on all complaints
82 concerning breach of public trust by public officers or
83 employees not within the jurisdiction of the judicial
84 qualifications commission.

85 (g) (1) A code of ethics for all state employees and
86 nonjudicial officers prohibiting conflict between public duty
87 and private interests shall be prescribed by law.

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88 (2) A public officer or public employee may not abuse his
89 or her public position in order to obtain a disproportionate
90 benefit for himself or herself; his or her spouse, children, or
91 employer; or for any business with which he or she contracts; in
92 which he or she is an officer, a partner, a director, or a
93 proprietor; or in which he or she owns an interest. The Florida
94 Commission on Ethics shall, by rule in accordance with statutory
95 procedures governing administrative rulemaking, define the term
96 "disproportionate benefit" and prescribe the requisite intent
97 for finding a violation of this prohibition for purposes of
98 enforcing this paragraph. Appropriate penalties shall be
99 prescribed by law.

100 (h) (1) As used in this subsection, the term:

101 a. "Lobbyist" means any person who is not an officer or a
102 full-time employee of a political subdivision who seeks, for
103 compensation, to influence governmental decision making on
104 behalf of other individuals or entities.

105 b. "Political subdivision" means any state, regional,
106 county, municipal, or district governmental entity of this state
107 or a part thereof, whether executive, judicial, or legislative;
108 including any special district, school district, public school,
109 state college, or state university.

110 (2)a. A political subdivision may not retain a lobbyist to
111 seek, or advocate for or against, an appropriation from the
112 legislature for the primary benefit of that political
113 subdivision. A lobbyist that is retained, or has been retained
114 within the preceding six months, by a political subdivision to
115 advocate on a policy issue may not seek, or advocate for or
116 against, an appropriation from the legislature for the primary

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117 benefit of that political subdivision.

118 b. A political subdivision may not retain a lobbyist to
119 seek, or advocate for or against, an executive branch agency
120 legislative budget request, the governor's recommended budget,
121 or the approval or veto of an appropriation made by the
122 legislature for the primary benefit of that political
123 subdivision. A lobbyist that is retained, or has been retained
124 within the preceding six months, by a political subdivision to
125 advocate on a policy issue may not seek, or advocate for or
126 against, an executive branch agency legislative budget request,
127 the governor's recommended budget, or the approval or veto of an
128 appropriation made by the legislature for the primary benefit of
129 that political subdivision.

130 (i)~~(h)~~ This section shall not be construed to limit
131 disclosures and prohibitions which may be established by law to
132 preserve the public trust and avoid conflicts between public
133 duties and private interests.

134 (j)~~(i)~~ Schedule—On the effective date of this amendment and
135 until changed by law:

136 (1) Full and public disclosure of financial interests shall
137 mean filing with the custodian of state records by July 1 of
138 each year a sworn statement showing net worth and identifying
139 each asset and liability in excess of \$1,000 and its value
140 together with one of the following:

141 a. A copy of the person's most recent federal income tax
142 return; or

143 b. A sworn statement which identifies each separate source
144 and amount of income which exceeds \$1,000. The forms for such
145 source disclosure and the rules under which they are to be filed

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146 shall be prescribed by the independent commission established in
147 subsection (f), and such rules shall include disclosure of
148 secondary sources of income.

149 (2) Persons holding statewide elective offices shall also
150 file disclosure of their financial interests pursuant to
151 paragraph (1) ~~subsection (i)(1)~~.

152 (3) The independent commission provided for in subsection
153 (f) shall mean the Florida Commission on Ethics.

154
155 Section 13 of Article V of the State Constitution is
156 amended to read:

157 ARTICLE V

158 JUDICIARY

159 SECTION 13. Ethics in the judiciary ~~Prohibited activities.~~-
160 All justices and judges shall devote full time to their judicial
161 duties. A justice or judge may ~~They shall~~ not engage in the
162 practice of law or hold office in any political party. A justice
163 or judge may not personally represent another person or entity
164 for compensation before the legislative, executive, or judicial
165 branches of state government, other than practicing law before a
166 judicial tribunal or in an administrative quasi-judicial
167 proceeding, for a period of six years following vacation of
168 office.

169
170 A new section is added to Article XII of the State
171 Constitution to read:

172 ARTICLE XII

173 SCHEDULE

174 Prohibitions regarding personal representation for

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175 compensation and abuse of public position by public officers and
176 public employees.-The amendments to Section 8 of Article II and
177 Section 13 of Article V shall take effect December 31, 2020;
178 except that the Florida Commission on Ethics shall, by rule,
179 define the term "disproportionate benefit" and prescribe the
180 requisite intent for finding a violation of the prohibition
181 against abuse of public position by October 1, 2019, as
182 specified in Section 8(g) of Article II.